

EDMUND G. BROWN JR.  
Attorney General of the State of California  
MIGUEL A. NERI  
Supervising Deputy Attorney General  
FIEL D. TIGNO  
Supervising Deputy Attorney General  
JOSHUA C. IRWIN (SNB 209437)  
Deputy Attorney General  
BONNIE J. CHEN (SNB 219394)  
Deputy Attorney General  
1515 Clay Street, 20<sup>TH</sup> Floor  
P.O. Box 70550  
Oakland, CA 94612-0550  
Telephone: (510) 622-2113  
Facsimile: (510) 622-2121  
[fiel.tigno@doj.ca.gov](mailto:fiel.tigno@doj.ca.gov)  
[joshua.irwin@doj.ca.gov](mailto:joshua.irwin@doj.ca.gov)  
[bonnie.chen@doj.ca.gov](mailto:bonnie.chen@doj.ca.gov)  
Attorneys for Defendants  
California Department of Corrections, et al.

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

**PATRICK M. McCOLLUM, et al.**

**Plaintiffs,**

**v.**

**CALIFORNIA DEPARTMENT OF  
CORRECTIONS, et al.**

**Defendants.**

**Case No.: C04-3339 CRB (EDL)**

**STIPULATION AND [PROPOSED]  
ORDER REGARDING  
PLAINTIFFS' EXHAUSTION OF  
ADMINISTRATIVE REMEDIES**

Courtroom: 8, 19<sup>th</sup> Floor  
Judge: The Honorable Charles  
R. Breyer  
Action Filed: August 16, 2004

Counsel for Plaintiffs and Defendants hereby stipulate as follows:

**A. Plaintiff Iloff.**

1. Appeal No. PVSP-04-03398 is exhausted and Defendants agree not to raise any issues relating to the exhaustion of this appeal.
2. The appeal filed by Plaintiff Iloff at Pleasant Valley State Prison on or around February 24, 2005 is exhausted and Defendants agree not to raise any issues

relating to the exhaustion of this appeal.

3. No further exhaustion discovery is required for Plaintiff Iloff.

**B. Plaintiff Spooner.**

1. Appeal No. SVSP-03-02254 is exhausted and Defendants agree not to raise any issues relating to the exhaustion of this appeal.

2. No further exhaustion discovery is required for Plaintiff Spooner.

**C. Plaintiff Mourland.**

1. The appeal filed by Plaintiff Mourland at High Desert State Prison on or around November 2002 is exhausted and Defendants agree not to raise any issues relating to the exhaustion of this appeal.

2. No further exhaustion discovery is required for Plaintiff Mourland.

**D. Plaintiff Capogreco.**

1. Appeal No. HDSP-01-01518 is not exhausted and Plaintiffs agree not to raise any issues relating to the failure to exhaust this appeal in this litigation.

2. The appeal filed by Plaintiff Capogreco at California State Prison - Sacramento on or around January 2005 is not exhausted and Plaintiffs agree not to raise any issues relating to the failure to exhaust this appeal in this litigation.

3. No further exhaustion discovery is required for Plaintiff Capogreco.

///

///

///

///

///

///

///

///

///

///

E. The parties agree that the exhaustion discovery phase of this litigation is now complete.

**IT IS SO STIPULATED.**

Dated: July \_\_\_, 2007

EDMUND G. BROWN JR.  
Attorney General of the State of California  
FIEL D. TIGNO  
Supervising Deputy Attorney General  
JOSHUA C. IRWIN  
Deputy Attorney General  
BONNIE J. CHEN  
Deputy Attorney General

By: /s/ Bonnie J. Chen

\_\_\_\_\_  
Bonnie J. Chen

Dated: July \_\_\_, 2007

JONES DAY

By: /s/ Elaine Wallace

\_\_\_\_\_  
Elaine Wallace

**IT IS SO ORDERED.**

Dated: July 23, 2007

